

1638

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent Application of

YOSHIBA *et al.*

Application Number: 010/026,767

Filed: December 27, 2001

For: TRANSGENIC RICE PLANT AND ITS FAMILY WITH  
ENVIRONMENTAL STRESS RESISTANT BY PROLINE  
ACCUMULATION OF HIGH LEVEL AND ITS  
PRODUCTION

Attorney Docket No. NITT.0051



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OCT 24 2002

TECH CENTER 1600/2900

Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**LETTER**

Sir:

The below-identified communications are submitted in the above-captioned application or proceeding:

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> (X) | Preliminary Amendment (amending specification) |   |
| <input type="checkbox"/> ( )            | Request for Priority                           | <input type="checkbox"/> ( ) Assignment Document                |
| <input type="checkbox"/> ( )            | Response to Missing Parts                      | <input type="checkbox"/> ( ) Petition under 37 C.F.R. § 1.47(a) |
|   | w/ signed Declaration                          | <input type="checkbox"/> ( ) Check for \$                       |

- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. § 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 08-1480**. A duplicate copy of this sheet is attached.

Respectfully submitted,

\_\_\_\_\_  
Stanley P. Fisher  
Registration Number 24,344

**REED SMITH LLP**  
3110 Fairview Park Drive  
Suite 1400  
Falls Church, Virginia 22042  
(703) 641-4200

October 22, 2002

\_\_\_\_\_  
Juan Carlos A. Marquez  
Registration Number 34,072

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*Pro Amte*  
*#7/B*  
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OCT 24 2002 *11/6/02*

TECH CENTER 1600/2900

**PRELIMINARY AMENDMENT**

Sir:

Applicant has amended portions of the specification to make minor changes that do not affect substance of the specification. Please delete the paragraph beginning at the bottom of page 12 and continuing on to page 13 and substitute the following paragraph:

*B'*  
Then, each vector to which each of the genes has been connected is introduced into Agrobacterium tumefaciens EHA 101 by electroporation. The Agrobacterium tumefaciens in which each construct (FIGS 1A to 1D) has been introduced is cultured and grown in a YEP medium containing Bacto<sup>®</sup> Pepton (10 g/l), Bacto<sup>®</sup> Yeast Extract (10 g/l), sodium chloride (5 g/l), 1M magnesium chloride (2 ml/l), and hygromycin B (50 mg/l) at 28° C. Gene introduction is carried out by infecting the callus cell of rice with the Agrobacterium tumefaciens into which each construct (FIGS. 1A-1D) has been introduced. The construct D is so designed that the two genes (the P5CS gene and the ProDH gene) are connected to each other in tandem to be simultaneously introduced. However, even if the construct A and C are mixed for coinfection, it is also possible to obtain the same effects as with the construct D.

Please delete the paragraph beginning at the bottom of page 13 and continuing on to page 14 and substitute the following paragraph: